



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,569	10/02/2003	Jen-Lin Chao	252011-1710	9291

47390 7590 09/07/2005

THOMAS, KAYDEN, HOSTEMEYER & RISLEY LLP
100 GALLERIA PARKWAY
SUITE 1750
ATLANTA, GA 30339

EXAMINER

RODRIGUEZ, PAUL L

ART UNIT PAPER NUMBER

2125

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,569

Applicant(s)

CHAO ET AL.

Examiner

Paul L. Rodriguez

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-20, 24-29 and 33-38 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 21-23 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The amendment filed 7/18/05 has been received and considered. Claims 1-38 are presented for examination.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 23 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 23 recites the limitation "the order" in line 4. There is insufficient antecedent basis

Art Unit: 2125

for this limitation in the claim.

6. Claim 32 recites the limitation "the order" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 7, 21, 22, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Edstrom et al (U.S. Pat 5,233,533). The claimed invention reads on Edstrom et al as follows:

Edstrom et al discloses (claim 1, 21, 30) a computer implemented system for (figure 1a), method of (col. 1 lines 63-68) and a storage medium for storing a computer program for (abstract, software), control factor management for a work-in-process (WIP) in a production system (col. 2 lines 5-66) comprising a plan engine to generate a plan for an order for the WIP according to a control factor (col. 2 lines 5-31, "due date") and a control factor management module to adjust the control factor of the plan engine according to a current value of the control factor in the production system (col. 2 lines 31-43), a target value of the control factor (col. 2 lines 5-43, target due date, col. 10 lines 60 – col. 11 line 7), and a priority of the WIP (col. 10 lines 46-59, col. 12 line 1-9, claim 14), (claim 7, 22, 31) wherein the control factor comprises a cycle time for the WIP (col. 5 lines 60-66, col. 11 lines 30-49). Examiner would like to point out

Art Unit: 2125

that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

9. Claims 1, 6, 7, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (U.S. Pat 6,434,443). The claimed invention reads on Lin as follows:

Lin discloses (claim 1, 21) a computer implemented system for (figure 2, 3), method of (abstract) and a storage medium for storing a computer program for (program, figure 2, inherent), control factor management for a work-in-process (WIP) in a production system (col. 2 lines 17-20) comprising a plan engine to generate a plan for an order for the WIP (step 43) according to a control factor (col. 2 lines 26-29, "Due_Date") and a control factor management module to adjust the control factor of the plan engine according to a current value of the control factor in the production system (col. 2 lines 29-32), a target value of the control factor (col. 2 lines 29-35, deliverable cycle time), and a priority of the WIP (col. 2 lines 19-24), (claim 6) wherein the WIP comprises wafers for processing and the production system is an IC foundry (abstract, fabrication plant, col. 1 lines 7-10), (claim 7, 22) wherein the control factor comprises a cycle time for the WIP (col. 2 lines 21-39). Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

Allowable Subject Matter

10. Claims 8-20, 24-29 and 33-38 are allowed.

Art Unit: 2125

11. Claims 23 and 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The statement of reasons for the indication of allowable subject matter presented in the previous office action stands.

Response to Arguments

14. Applicant's arguments filed 7/18/05 have been fully considered but they are not persuasive.

Regarding the Oath and Declaration. Applicant did not address the deficiencies specified by the Examiner in the previous office action. Applicant is requested to provide a response to the deficiencies in the next response to the office or will be held non-responsive.

Regarding the specification, Examiner acknowledges the comments and the objections are withdrawn.

Regarding the claim objections, amendments are acknowledged and the objections are withdrawn.

Art Unit: 2125

Regarding the rejections under 112 2nd, the amendment corrected the deficiencies of claims 17 and 20 but not 23 and 32, rejections remain.

Applicant argues in regards to Edstrom that the office action has misinterpreted the “current values” and “target values” and that current values and target values of the present claims are calculated values. Examiner would like to point out that nowhere in claim 1 or 21 is the current value or the target value “calculated”. Therefore the argument is without merit and is not persuasive. Regarding claim 30, only the “target value is “calculated”, and the current value is only detected. Examiner now also points to col. 2 lines 32-43 which clearly states “the software program calculates the amount of extra time needed beyond the present date and reschedules the target due date...” Also, col. 10 line 60 – col. 11 line 7 clearly states that the target date is a product of the main procedure. Based upon these disclosures, the Examiner contends that the target date, which is considered a target value is in fact “calculated”, therefore the rejections are maintained.

Applicant also argues with respect to Edstrom that they are concerned with due dates and the present application are “compounded”. Examiner found no language in the claims related to factors which are compounded. Arguments not persuasive and the rejection is maintained.

Regarding Lin, applicant argues that again current value and target value are not properly disclosed. Again, nowhere in claim 1 or 21 is the current value or the target value “calculated” and in claim 30, only the “target value is “calculated”, and the current value is detected. While Line does not use the term “calculate” it does use the term generate which the examiner reads as an equivalent. Regarding target value, the Examiner relies upon the term “deliverable cycle time” which the Examiner reads on target value. Because there is no specific language in the

Art Unit: 2125

reference that states that the deliverable cycle time is “generated”, the rejection of claim 30 and dependent claim 31 are withdrawn. Because claim 1 and 21 do not require the “calculation” of the target value, the rejections of claim 1, 6, 7, 21 and 22 are maintained.

Applicant argues that Lin fails to disclose “the priority of WIP”, Examiner would like to point out that claims 1, 12, 13 and 24 of Lin each discloses specifically “priorities of work-in-process” and the term is also used in col. 2 lines 21-25, argument not persuasive.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chacon (U.S. Pat 6,889,178) – teaches a work in process system using an engine and target values to management of WIP.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

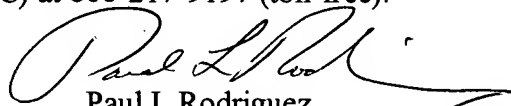
Art Unit: 2125

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L. Rodriguez whose telephone number is (571) 272-3753. The examiner can normally be reached on 6:00 - 4:30 T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul L Rodriguez
Primary Examiner
Art Unit 2125

PLR
9/2/05